



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

7

03 NOV 2006

MEREK, BLACKMON & VOORHEES, LLC
673 S. WASHINGTON ST.
ALEXANDRIA, VA 22314

In re Application of ROBERTSON et al :
U.S. Application No.: 10/532,098 :
PCT Application No.: PCT/US03/14533 :
Int. Filing Date: 16 May 2003 : DECISION
Priority Date Claimed: 21 October 2002 :
Attorney Docket No.: C2ABU043.C29 :
For: COMPOUND OPTICAL AND ELECTRICAL :
CONDUCTORS, AND CONNECTORS :
THEREFOR :

This is in response to applicant's "Request for Reconsideration of Petition to Proceed Without Inventor's Signature Under 37 CFR 1.47" filed 30 August 2006, which is being treated as renewed request for status under 37 CFR 1.42.

BACKGROUND

On 16 May 2003, applicant filed international application PCT/US03/14533, which claimed priority of an earlier United States application filed 21 October 2002. The thirty-month period for paying the basic national fee in the United States expired on 21 April 2005.

On 21 April 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 September 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 March 2006, applicant filed a petition under 37 CFR 1.47(a) and a request for status under 37 CFR 1.42.

On 31 May 2006, this Office mailed a decision dismissing the 14 March 2006 petition and request for status.

On 30 August 2006, applicant filed the present renewed request for status, including an executed declaration.

DISCUSSION

The submission of a declaration executed by the previously nonsigning legal representative is a proper reply to the decision mailed 31 May 2006.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 30 August 2006 is in compliance with 37 CFR 1.42 and 37 CFR 1.497.

CONCLUSION

For the reasons in above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 May 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 30 August 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459